

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DANNY GREEN,**

**Plaintiff,**

**v.**

**No. 13-cv-0819 JCH/SMV**

**NEW MEXICO STATE POLICE DEP'T,  
BEN ARNOLD, and STATE OF NEW MEXICO,**

**Defendants.<sup>1</sup>**

**THIRD ORDER TO SHOW CAUSE<sup>2</sup>**

THIS MATTER is before the Court sua sponte. The parties' Joint Status Report and Provisional Discovery Plan ("JSR") was to be filed no later than September 4, 2014. [Doc. 30]. However, none was filed and no extension of time was sought. On September 5, 2014, when chambers staff inquired of defense counsel regarding the status of the JSR, he advised that the parties had also failed to meet and confer, which was due to be completed no later than August 21, 2014. [Doc. 30]. The Court again ordered the parties to meet and confer and extended the deadline for submission of the JSR to September 12, 2014. [Doc. 31]. Nevertheless, no JSR has been filed.

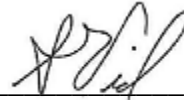
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<sup>1</sup> Defendant State of New Mexico was voluntarily dismissed on May 29, 2014. [Doc. 20]. Only Defendants New Mexico State Police Department and Ben Arnold remain.

<sup>2</sup> This case has been neglected by the attorneys at every turn and has proceeded only on the repeated orders of the Court. The action was originally filed in state court on May 20, 2013. [Doc. 1-1] at 1-7. One of the three Defendants removed the case on August 30, 2013, and filed its Answer the same day. [Docs. 1, 2]. The undersigned was assigned to the case on December 17, 2013. [Doc. 5]. It has taken the last ten months, along with two orders to show cause, one show-cause hearing, and a formal recommendation to the presiding judge to dismiss a defendant for lack of prosecution to finally ready the case for the Initial Scheduling Order. Despite this tortuously laggard history, the attorneys have again failed to follow the rules and the orders of the Court, necessitating this Third Order to Show Cause.

**IT IS THEREFORE ORDERED** that, pursuant to Fed. R. Civ. P. 16(f) and the Court's inherent authority, both counsel shall appear **in person** to show cause why they should not be sanctioned for failing to comply with the Initial Scheduling Order [Doc. 30]. The in-person show-cause hearing will be held on **October 2, 2014, at 9:30 a.m.**, in the Doña Ana Courtroom, on the third floor of the United States Courthouse, at 100 North Church Street in Las Cruces, New Mexico.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**